

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEVIN R. YAUCH,

Plaintiff,

v.

RN SCHUETTE, MICHELLE, and JA
LACROSSE,

Defendants.

Case No. 24-CV-285-JPS

ORDER

Plaintiff Devin R. Yauch, an inmate confined at Manitowoc County Jail, filed a pro se complaint under 42 U.S.C. § 1983 alleging that the defendants violated his constitutional rights. ECF No. 1. On March 11, 2024, Plaintiff filed a motion to amend/correct the complaint, ECF No. 6, along with a proposed amended complaint, ECF No. 6-1.

The Court will deny, without prejudice, Plaintiff's motion to amend/correct the complaint. Plaintiff's proposed amended complaint indicated that he wishes his new claims to be added to the original complaint. Plaintiff may not, however, supplement the original complaint. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056 (7th Cir. 1998). An amended complaint supersedes the prior complaint and must be complete in itself without reference to the original complaint. *Id.* In *Duda*, the appellate court emphasized that in such instances, the "prior pleading is in effect withdrawn as to all matters not restated in the amended pleading." *Id.* at 1057 (citation omitted).

As such, the Court will allow Plaintiff the opportunity to file an amended complaint, containing all his allegations, on or before **June 24, 2024**. If Plaintiff files an amended complaint, it will become the operative

complaint in this action, and the Court will screen it in accordance with 28 U.S.C. § 1915A. Plaintiff is advised that the amended complaint must bear the docket number assigned to this case and must be labeled "Amended Complaint." If Plaintiff fails to file an amended complaint, the Court will screen only Plaintiff's original complaint.

Accordingly,

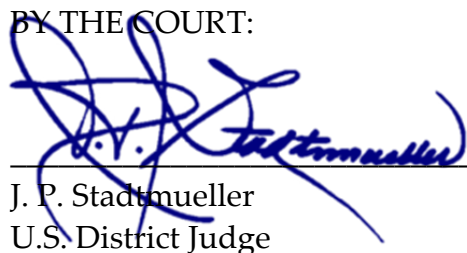
IT IS ORDERED that Plaintiff's motion to amend/correct the complaint, ECF No. 6, be and the same is hereby **DENIED** without prejudice;

IT IS FURTHER ORDERED that Plaintiff may file an amended complaint that complies with the instructions in this Order on or before **June 24, 2024**. If Plaintiff files an amended complaint by the deadline, the Court will screen the amended complaint under 28 U.S.C. § 1915A. If Plaintiff does not file an amended complaint by the deadline, the Court will screen only the original complaint, ECF No. 1, to consider claims going forward; and

IT IS FURTHER ORDERED that the Clerk's Office mail Plaintiff a blank prisoner amended complaint form, along with this Order.

Dated at Milwaukee, Wisconsin, this 3rd day of June, 2024.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge